

1. Agency and Contracting Activity:

The Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR) Computer Forensics Group (CFG) proposes to enter into a contract on a basis other than full and open competition.

2. Nature and/or Description of the Action Being Approved:

OPR CFG has a requirement on a sole source basis to obtain a Forensic Recovery of Evidence Data Center (Model F6010) that meets the following specifications:

- a) Able to write data directly from IDE/EIDE/ATA/SATA/ATAPI/SCSI I/SCSI II/SCSI III hard drives and storage devices.
- b) Be a centralized facility for the storage of forensic images, case information, and functional images, but also a resource for the production and printing of reports and other day-to-day operational requirements.
- c) Be a file server that can also be used to store "functional" images of operating environments for testing.
- d) Allow workstations to be pre-configured to access the network directly from DOS or Windows operating environments.
- e) Once the forensic images are recorded directly on file server storage space, allow any forensic client workstation on the network to be used to process the information. Images can be restored directly from the network to work drives on each client or processed in place on the file server. Multiple clients can be used to process a single image simultaneously from the network without requiring local storage at the workstations.

3. Description of Supplies/Services:

After reviewing available options for our specifications, OPR CFG was hard pressed to find a forensic device with all the capabilities listed above that were within our budgetary constraints. After conducting market research primarily via the Internet, OPR CFG found a forensic device that had been utilized by other forensic labs, and met the requirements for the OPR CFG procurement. This forensic device was the Digital Intelligence FREDC (Forensic Recovery of Evidence Data Center). This unit is currently being used by other Federal agencies and State and Local law enforcement.

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition:

The statutory authority permitting other than full and open competition is 41 U.S.C. 253 (c) implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302.1 entitled "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

5. Demonstration That the Nature of the Acquisition requires the use of the Authority Cited:

This requirement is for a Forensic Recovery of Evidence Data Center manufactured by Digital Intelligence, located in New Berlin, Wisconsin.

6. Efforts to Obtain Competition:

OPR CFG attempted to locate other suitable sources for a computer forensics network/server system (see item 3 above) and was unable to find one. OPR CFG has a requirement for one (1) Forensic Recovery of Evidence Data Center. OPR CFG mission needs require the acquisition of one Forensic Recovery of Evidence Data Center as soon as possible.

7. Determination by the Contracting Officer That the Anticipated Cost to the Government Will be Fair and Reasonable:

OPR CFG noted that of the suitable Forensic Recovery of Evidence Data Center listed in the NSA/CSS Evaluations and of others found from a search of the internet, there were no other Forensic Recovery of Evidence Data Centers available that met the above specific referenced requirements for the OPR CFG mission.

8. Description of Market Research:

OPR CFG conducted a search of the internet of contractors that could provide Forensic Recovery of Evidence Data Center. This research showed that the only U.S. distributor, Digital Intelligence, New Berlin, Wisconsin, was the sole qualified U.S. distributor of the device. Digital Intelligence holds the patents and copyrights for this technology as well.

9. Any Other Facts Supporting the Use of Other Than Full and Open Competition:

Digital Intelligence already does business with the U.S. Government and holds GSA contracts for other recovery and storage of digital evidence equipment.

10. A Listing of the Sources, if any, That Expressed in Writing an Interest in the Acquisition:

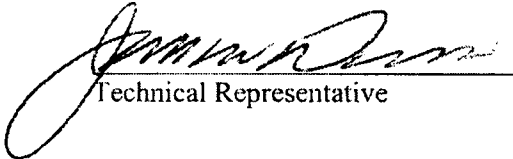
At this time, OPR CFG has not identified any other sources that can sell the Forensic Recovery of Evidence Data Centers or a suitable substitute, to the U.S. government.

11. A Statement of the Actions, if any, The Agency May Take to Remove or Overcome any Barriers to Competition Before any Subsequent Acquisition for Supplies or Services Required.

No actions are planned, as this is a single, one-time procurement for a unique mission need.

12. Certifications

Requirements/Technical Personnel:


Technical Representative

8-14-08
Date

Contracting Officer:

This justification is accurate and complete to the best of my knowledge and belief.


ICE Contracting Officer

8/14/08
Date